

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ROBERT WISNICKI,

Defendant.

SUPERSEDING INFORMATION

S4 22 Cr. 20 (PGG)

COUNT ONE
(Conspiracy to Commit Money Laundering)

The United States Attorney charges:

1. From at least in or about 2014 through at least in or about 2021, in the Southern District of New York and elsewhere, ROBERT WISNICKI, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit money laundering, in violation of Title 18, United States Code, Section 371.

2. It was a part and an object of the conspiracy that ROBERT WISNICKI, the defendant, and others known and unknown, knowing that the property involved in a financial transaction represented the proceeds of some form of unlawful activity, would and did conduct and attempt to conduct such a financial transaction, which transaction affected interstate and foreign commerce and involved the use of a financial institution which was engaged in, and the activities of which affected, interstate and foreign commerce, and which in fact involved the proceeds of specified unlawful activity, to wit, health care fraud, in violation of Title 18, United States Code, Section 1347, knowing that the transaction was designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the

proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about April 14, 2021, ROBERT WISNICKI, the defendant, wrote cashier's checks transferring the proceeds of healthcare fraud to numerous individuals, some of whom resided in the Southern District of New York, with the expectation that the proceeds would be secretly returned to WISNICKI.

(Title 18, United States Code, Section 371)

COUNT TWO
(Conspiracy to Commit Wire Fraud)

The United States Attorney further charges:

4. From at least in or about 2007 through at least in or about 2022, in the Southern District of New York and elsewhere, ROBERT WISNICKI, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

5. It was a part and an object of the conspiracy that ROBERT WISNICKI, the defendant, and others known and unknown, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme

and artifice, in violation of Title 18, United States Code, Section 1343, to wit, WISNICKI agreed with others to use new client funds to cover shortfalls in payments to earlier clients and lied to clients about where their funds were being transferred, and sent and received, and caused others to send and receive, emails and other electronic communications, to and from the Southern District of New York and elsewhere, in furtherance of that scheme.

Overt Acts

6. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about 2022, ROBERT WISNICKI, the defendant, and another agreed to obtain and use money to conceal that WISNICKI was fraudulently acquiring and using client funds, as charged in Count Two.”

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATION

1. As a result of committing the offense alleged in Count One of this Information, ROBERT WISNICKI, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real and personal, involved in said offense, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in said offense.

2. As a result of committing the offense alleged in Count Two of this Information, ROBERT WISNICKI, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the commission of said offense, including but not

limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.


Substitute Assets Provision

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


DAMIAN WILLIAMS
United States Attorney